

EXHIBIT A

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF CALIFORNIA
 3 SAN FRANCISCO DIVISION
 4)
 5) 23-MD-03084-CRB
 6 IN RE: UBER TECHNOLOGIES, INC., SAN FRANCISCO, CALIFORNIA
 7 PASSENGER SEXUAL ASSAULT LITIGATION. AUGUST 12, 2025
 8)
 9) PAGES 1 - 17

10
 11 TRANSCRIPT OF REMOTE PROCEEDINGS
 12 BEFORE THE HONORABLE LISA J. CISNEROS
 13 UNITED STATES MAGISTRATE JUDGE

14 APP E A R A N C E S :

15 FOR THE PLAINTIFFS: JOHNSON LAW GROUP
 16 BY: BRET D. STANLEY
 17 2925 RICHMOND AVENUE, SUITE 1700
 18 HOUSTON, TEXAS 77098

19 CHAFFIN LUHANA
 20 BY: STEVEN COHN
 21 615 IRON CITY DRIVE
 22 PITTSBURGH, PENNSYLVANIA 15205

23 FOR THE DEFENDANTS: SHOOK, HARDY & BACON
 24 BY: VERONICA GROMADA
 25 JPMORGAN CHASE TOWER
 100 TRAVIS STREET, SUITE 3400
 HOUSTON, TEXAS 77002

KIRKLAND & ELLIS
 BY: CHRISTOPHER COX
 601 LEXINGTON AVENUE
 NEW YORK, NEW YORK 10022

26 OFFICIAL COURT REPORTER:
 27 IRENE L. RODRIGUEZ, CSR, RMR, CRR
 28 CERTIFICATE NUMBER 8074

29 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
 30 TRANSCRIPT PRODUCED WITH COMPUTER

31 UNITED STATES COURT REPORTERS

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11:36AM 1 AS FAR AS WHAT THE REMEDY IS IF I STICK WITH THAT POSITION.
 11:36AM 2 MR. STANLEY: OKAY, JUDGE. BRET STANLEY ON BEHALF
 11:37AM 3 OF THE PLAINTIFFS.
 11:37AM 4 I APPRECIATE THE TIME TO TALK WITH YOU ABOUT THIS ISSUE.
 11:37AM 5 IT'S SUPER IMPORTANT, AND IT'S SOMETHING THAT IS GOING TO BE AN
 11:37AM 6 ISSUE COMING UP IN MULTIPLE DIFFERENT CASES AS WE GO FORWARD OR
 11:37AM 7 COULD BE. SO WE LOOK FORWARD TO HEARING FROM YOU ON THIS.
 11:37AM 8 I'D LIKE TO TAKE A STEP BACK AND LOOK AT HOW WE GOT HERE
 11:37AM 9 AND DISCUSS WITH YOU SOME OF THE RULINGS THAT YOU'VE MADE AND
 11:37AM 10 HOW WE GOT TO THIS POINT.
 11:37AM 11 AND SO ON MAY 17TH, AS YOU KNOW, WE SENT, BASED ON THE
 11:37AM 12 PAPERS, WE SENT A REQUEST TO UBER FOR THEM TO PRODUCE KNOWLEDGE
 11:37AM 13 BASED POLICIES AND ARTICLES IN THIS MDL, AND THAT WAS FROM
 11:37AM 14 INFORMATION THAT I HAD GAINED ALONG THE WAY WHERE I IDENTIFIED
 11:37AM 15 THE POLICIES REQUESTED TO BE PRODUCED.
 11:37AM 16 ALONG THAT TIME BEFORE, UBER HAD NOT IDENTIFIED KNOWLEDGE
 11:37AM 17 BASE AS A REPOSITORY OF INFORMATION AND HAD NOT PRODUCED
 11:37AM 18 POLICIES BASED ON GENERAL REQUESTS INSIDE OF THE MDL. AND SO
 11:38AM 19 WE HAD OUR FIRST HEARING ON THAT ON JULY 11TH, AND IN THAT
 11:38AM 20 HEARING --
 11:38AM 21 THE COURT: SO THE HISTORY, MR. STANLEY, IT TOOK US
 11:38AM 22 A WHILE TO WORK THROUGH THOSE ISSUES AROUND THE PRODUCTION OF
 11:38AM 23 THE POLICIES.
 11:38AM 24 BUT THE WAY I AM LOOKING AT THIS IS, IS THE INFORMATION
 11:38AM 25 THAT IS IN THE SPREADSHEETS, WHICH SEEMS TO HAVE BEEN
 11:38AM 26 UNITED STATES COURT REPORTERS

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11:35AM 1 SAN FRANCISCO, CALIFORNIA AUGUST 12, 2025
 11:35AM 2 P R O C E E D I N G S
 11:35AM 3 (COURT CONVENED AT 11:35 A.M.)
 11:35AM 4 THE CLERK: WE ARE CALLING 23-MD-03084, IN RE UBER
 11:35AM 5 TECHNOLOGIES, INC.
 11:35AM 6 COUNSEL, PLEASE STATE YOUR APPEARANCES FOR THE RECORD
 11:35AM 7 BEGINNING WITH THE PLAINTIFF.
 11:35AM 8 MR. STANLEY: BRET STANLEY ON BEHALF OF THE
 11:35AM 9 PLAINTIFF STEERING COMMITTEE AND JOHNSON LAW GROUP.
 11:35AM 10 MR. COHN: STEVEN COHN ON BEHALF OF PLAINTIFFS.
 11:35AM 11 MR. COX: ON BEHALF OF THE UBER DEFENDANTS,
 11:35AM 12 CHRISTOPHER COX, AND I'M WITH MY COLLEAGUE VERONICA GROMADA
 11:35AM 13 WITH SHOOK, HARDY BACON.
 11:35AM 14 THE COURT: GOOD MORNING. GREAT.
 11:35AM 15 SO WE HAVE TODAY A HEARING ON UBER'S MOTION FOR A
 11:35AM 16 PROTECTIVE ORDER, AND I'VE HAD AN OPPORTUNITY TO REVIEW THE
 11:36AM 17 BRIEFING AS WELL AS THE DECLARATIONS.
 11:36AM 18 SO THIS TO ME JUST -- I'LL GIVE THE PARTIES AN OPPORTUNITY
 11:36AM 19 TO RESPOND TO MY TENTATIVE POSITION, WHICH IS THAT THE
 11:36AM 20 INFORMATION THAT IS CONTAINED IN THE OCTOBER SPREADSHEET IS
 11:36AM 21 CONFIDENTIAL INFORMATION, AND THAT'S BASED ON MY REVIEW OF
 11:36AM 22 MS. GROMADA'S DECLARATION AND THE EXCERPTS THAT SHE PROVIDED.
 11:36AM 23 IT DOESN'T STRIKE ME AS GENERAL KNOWLEDGE.
 11:36AM 24 BUT, MR. STANLEY, YOU CAN RESPOND TO THAT FURTHER.
 11:36AM 25 SO LET'S START AT THAT POINT, AND THEN WE CAN GO FORWARD
 11:40AM 26 TO DO.

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11:40AM 1 AND IN THIS VERY FIRST HEARING, YOU TALKED ABOUT HOW
 11:40AM 2 IDENTIFYING THE POLICIES IS HELPFUL. AND WHEN I DID THAT THE
 11:40AM 3 FIRST TIME BASED UPON THE INFORMATION THAT I HAD, IT WAS NOT
 11:40AM 4 FOUND TO BE IN VIOLATION OF ANY PROTECTIVE ORDER.
 11:40AM 5 THE PROTECTIVE ORDER THAT WE HAD IN THIS CASE WAS ALREADY,
 11:40AM 6 WAS ALREADY ORDERED AND IN THE CASE AS EARLY AS DECEMBER I
 11:40AM 7 THINK OF 2024. FIVE MONTHS LATER I PROVIDE THE IDENTIFICATION
 11:40AM 8 OF THESE MATERIALS FROM PRIOR INFORMATION, AND I IDENTIFIED THE
 11:40AM 9 CASE FROM WHICH THAT CAME FROM, AND IT CAME IN UNDER NO
 11:40AM 10 OBJECTION.
 11:40AM 11 AND THEN ALONG THE WAY WE CONTINUED TO IDENTIFY THESE,
 11:40AM 12 THESE KNOWLEDGE BASED ARTICLES. I DID NOT SHARE ANY
 11:40AM 13 INFORMATION FROM ANY OF THE KNOWLEDGE BASED ARTICLES WITH
 11:40AM 14 ANYONE. I JUST IDENTIFIED THEM FOR PRODUCTION.
 11:40AM 15 AND AS YOU SEE, PRACTICALLY THE WAY THAT IT HAS WORKED IS
 11:40AM 16 UBER HAS WITHHELD THIS INFORMATION FROM OTHER LITIGATIONS AND
 11:40AM 17 WITHOUT BEING ABLE TO IDENTIFY SOMETHING TO THEM TO PRODUCE,
 11:41AM 18 THEY DON'T PRODUCE IT. THEY DIDN'T PRODUCE IT IN THIS MDL,
 11:41AM 19 THEY DON'T PRODUCE IT IN OTHER LITIGATIONS OUTSIDE OF THE MDL.
 11:41AM 20 SO BY SIMPLY IDENTIFYING IT, I'M NOT GIVING OR DIVULGING ANY OF
 11:41AM 21 THE CONFIDENTIAL INFORMATION FROM THE DOCUMENT ITSELF. I'M
 11:41AM 22 IDENTIFYING THE RECORD ITSELF IN HOPES THAT IT CAN AIM TO FIX
 11:41AM 23 OR TO ASSIST IN THE PRODUCTION OF THESE DOCUMENTS.
 11:41AM 24 THE COURT: AS THE DISCOVERY JUDGE IN THIS MDL, I'M
 11:41AM 25 NOT IN A POSITION TO SORT OF EXERCISE -- YOU KNOW, ISSUE ANY

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11:41AM 1 ORDERS OR MANAGE DISCOVERY IN ANY OTHER CASE OR TO TAKE STEPS
 11:41AM 2 TO ENSURE THAT DISCOVERY THAT HAPPENS IN A DIFFERENT CASE WITH
 11:41AM 3 UBER IS DONE AND IN ACCORDANCE WITH LAW. SO IT'S ALL -- IT IS
 11:41AM 4 KIND OF IRRELEVANT TO THE QUESTION THAT I HAVE.
 11:42AM 5 MR. STANLEY: OF COURSE.
 11:42AM 6 THE COURT: MY UNDERSTANDING OF UBER'S MOTION IS
 11:42AM 7 THAT THEY DON'T -- THEY'RE NOT ARGUING THAT IT'S A VIOLATION OF
 11:42AM 8 THE PROTECTIVE ORDER FOR YOU TO HAVE CREATED A SPREADSHEET TO
 11:42AM 9 ORGANIZE THE INFORMATION THAT YOU WERE REVIEWING AND FROM THEIR
 11:42AM 10 PRODUCTION AND TO USE THAT WITHIN THE CONFINES OF THIS MDL.
 11:42AM 11 WHAT THEY'RE OBJECTING TO IS THAT IT APPEARS THAT THE
 11:42AM 12 SPREADSHEETS SOMEHOW WERE, YOU KNOW, DISSEMINATED TO OTHER,
 11:42AM 13 OTHER ATTORNEYS IN OTHER CASES AND THAT HAD THE EFFECT OF
 11:42AM 14 DISCLOSING THEIR CONFIDENTIAL MATERIAL.
 11:42AM 15 AND THE NAME -- TO THE EXTENT THAT YOU'RE SAYING THAT
 11:42AM 16 THERE WASN'T A VIOLATION BECAUSE ALL IT HAS IS THE NAMES, HERE
 11:42AM 17 THE INFORMATION IS NOT JUST THE NAMES. IT'S SORT OF ALSO THE
 11:43AM 18 SOURCE OF WHERE IT CAME FROM AND IT IS A REPRODUCTION OF
 11:43AM 19 INFORMATION THAT IS ON THE FACE OF THESE DOCUMENTS THAT WERE
 11:43AM 20 DESIGNATED AS CONFIDENTIAL.
 11:43AM 21 AND ESI HAS A PROCESS FOR DISPUTING CONFIDENTIALITY
 11:43AM 22 DESIGNATIONS WHERE THEY MIGHT BE OVERREACH ON THE PRODUCING
 11:43AM 23 PARTY BY SAYING WHAT IS CONFIDENTIAL, BUT WE NEVER HAD THAT
 11:43AM 24 ISSUE BROUGHT TO MY ATTENTION. NONE OF THOSE DISPUTES WERE IN
 11:43AM 25 FRONT OF ME. SO, LIKE, ON THE RECORD OF THIS, MAYBE YOU WOULD

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11:43AM 1 HAVE HAD A CASE TO ARGUE THAT NAMES ALONE ARE NOT CONFIDENTIAL.
 11:43AM 2 I DON'T -- I WOULDN'T PREJUDGE, YOU KNOW, WHAT MY RULING WOULD
 11:43AM 3 BE IN THAT KIND OF A DISPUTE, BUT AT THIS POINT THE
 11:43AM 4 DESIGNATIONS OF THOSE DOCUMENTS WAS NOT CONTESTED.
 11:44AM 5 SO LET ME LET --
 11:44AM 6 MR. STANLEY: MAY I ASK -- MAY I MAKE ONE FINAL
 11:44AM 7 POINT BEFORE?
 11:44AM 8 AND SO THE WAY THAT THE MOTION IS WRITTEN FROM THE UBER
 11:44AM 9 DEFENDANTS APPEARS TO BE THAT EVEN USE OF THE WORD KNOWLEDGE
 11:44AM 10 BASE, WHICH IS SOMETHING IN MY GENERAL KNOWLEDGE, OR EVEN USE
 11:44AM 11 OF THE WORD KNOWLEDGE BASE HOME PAGE, ALL OF THAT, WHICH IS
 11:44AM 12 INFORMATION THAT I'VE HAD BEFORE AND INFORMATION THAT WAS IN
 11:44AM 13 THIS LITIGATION, IT'S INFORMATION THAT IS RELEVANT AND
 11:44AM 14 NECESSARY WOULD ALSO BE IN VIOLATION OF THE PROTECTIVE ORDER.
 11:44AM 15 AND SO THEY ARE STRANDING AND STRAINING THIS PROTECTIVE
 11:44AM 16 ORDER TO SUCH AN EXTENT TO PULL ALL, ALL WORDS USED IN ANY OF
 11:44AM 17 UBER'S PRODUCTION UNDER THE AMBIT OF THE ORDER.
 11:44AM 18 SO WHEN WE LOOK AT THE LANGUAGE OF THE ORDER, IT
 11:44AM 19 ADMONISHES SO THAT THE ORDER IS NOT USED AS A SOURCE SO THAT IT
 11:44AM 20 CAN PULL ALL OF THIS INFORMATION UNDER THE AMBIT OF THE ORDER
 11:45AM 21 IN THE WAY THAT IT'S NOT DISCLOSING INFORMATION.
 11:45AM 22 I WOULD ALSO SAY THAT THE CASE LAW THAT THEY CITED IN EACH
 11:45AM 23 OF THEIR CASES, IT'S ALL BASED ON WHETHER OR NOT SOMEONE USED
 11:45AM 24 INFORMATION TO GAIN ADDITIONAL INFORMATION TO FILE A NEW
 11:45AM 25 LAWSUIT. THAT'S WHAT EVERY ONE OF THEIR CASES THAT THEY CITE

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11:45AM 1 TO, WHETHER IT'S IN A PATENT CASE OR SOME SORT OF AN
 11:45AM 2 INFRINGEMENT CASE, THEY LEARNED OF ADDITIONAL INFORMATION, ALL
 11:45AM 3 OF THESE LAWYERS LEARNED OF ADDITIONAL INFORMATION FROM A PRIOR
 11:45AM 4 LITIGATION AND WENT AND SOUGHT NEW CLAIMS.
 11:45AM 5 IT WOULD BE SIMILAR TO IF I, AFTER TAKING THE DEPOSITION
 11:45AM 6 OF JOE SULLIVAN, WHO WAS THE CHIEF SECURITY OFFICER, UNDERSTOOD
 11:45AM 7 THAT THERE WAS A DATA BREACH THAT UBER WAS INVOLVED IN SEVERAL
 11:45AM 8 YEARS AGO, AND THEN WENT AND SOUGHT DATABASE BREACH CASES
 11:45AM 9 BECAUSE I GOT THAT INFORMATION. AND THAT'S NOT, THAT'S NOT
 11:45AM 10 WHAT HAS HAPPENED.
 11:45AM 11 THESE CASES, NONE OF THE COMPLAINTS THAT ARE IN THESE
 11:45AM 12 CASES WERE FILED IN A WAY THAT USE ANY INFORMATION THAT WAS
 11:46AM 13 PROTECTED, AND SO THE -- ONE OF THE CASES THAT I DO THINK THAT
 11:46AM 14 UBER DISPUTED THAT IS NOT ON POINT IS THE DUPRE CASE WHERE THE
 11:46AM 15 COURT FOUND THAT BY STRETCHING THE TERM "USE" IT WAS PREVENTING
 11:46AM 16 A LARGE PRACTICING LAW, AND THAT WAS AGAINST THE ETHICAL RULES
 11:46AM 17 THAT ARE ALSO INVOLVED AND THEY'RE ALSO AT HAND IN CALIFORNIA.
 11:46AM 18 IT'S RULE 5.6(B), I BELIEVE, OF THE ETHICAL RULES IN CALIFORNIA
 11:46AM 19 AS WELL.
 11:46AM 20 SO THAT CASE IS ON POINT, TOO, OF WHAT I'M ASKING TO DO.
 11:46AM 21 THE COURT: TO THE EXTENT THAT YOU'RE ARGUING, OKAY,
 11:46AM 22 WELL, THIS WASN'T USED TO FILE, THIS PARTICULAR INFORMATION
 11:46AM 23 WASN'T USED TO FILE NEW CASES OR SO FORTH, IT DOESN'T STRIKE ME
 11:46AM 24 AS BEING RELEVANT TO THE DECISION I HAVE TO MAKE ON THIS
 11:46AM 25 MOTION. IT'S JUST WAS THERE INFORMATION THAT WAS DESIGNATED

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11:47AM 1 CONFIDENTIAL AND WAS IT DISCLOSED? I DON'T ANALYZE WHAT THAT
 11:47AM 2 WAS -- WHETHER OR NOT, YOU KNOW, HOW THAT INFORMATION WAS USED
 11:47AM 3 AT A LATER POINT.
 11:47AM 4 MAYBE THAT WOULD BEAR ON SOME ISSUE LIKE A REMEDY OR
 11:47AM 5 SOMETHING LIKE THAT, BUT JUST TO FIGURE OUT WHETHER OR NOT
 11:47AM 6 THERE WAS A VIOLATION OF THE PROTECTIVE ORDER, I DON'T -- IT
 11:47AM 7 DOESN'T SEEM LIKE MOTIVATIONS OR THE SUBSEQUENT USE OR MANNER
 11:47AM 8 OF USE IS RELEVANT.
 11:47AM 9 SO IT'S -- WHEN YOU LOOK AT MS. GROMADA'S DECLARATION,
 11:47AM 10 IT'S LAID OUT IN A VERY CLEAR, STRAIGHTFORWARD WAY TO SHOW WHAT
 11:47AM 11 WAS IN THE DESIGNATED -- IN A PARTICULAR EXEMPLAR DOCUMENT THAT
 11:47AM 12 HAD BEEN DESIGNATED CONFIDENTIAL. I MEAN, YOU LOOK AT
 11:47AM 13 PARAGRAPH 15, IT LAYS THAT INFORMATION OUT, AND THEN IT HAS AN
 11:48AM 14 EXCERPT FROM YOUR -- AN EXCERPT FROM YOUR SPREADSHEET, AND IT'S
 11:48AM 15 JUST, IT REALLY IS CLEAR TO ME THAT IT'S EFFECTIVELY A
 11:48AM 16 DISCLOSURE OF THE FULL CONTENT OF THE PAGE.
 11:48AM 17 SO I DON'T -- MAYBE YOU'VE GOT A DIFFERENT VIEW OF THAT,
 11:48AM 18 BUT --
 11:48AM 19 MR. STANLEY: AND I DO, JUDGE. IT APPEARS THAT IT
 11:48AM 20 IS MAKING -- SO IT'S AS IF THAT I SHOWED THE ACTUAL DOCUMENTS.
 11:48AM 21 IT'S AS IF THAT I SHOWED THE HOME PAGE DOCUMENTS. THAT'S THE
 11:48AM 22 WAY THAT HER PLEADINGS READ TO ME IS THAT THERE'S THIS VIRTUAL
 11:48AM 23 OR INTERNAL ELECTRONIC FILING CABINET THAT I'M SHOWING TO
 11:48AM 24 PEOPLE, AND I'M JUST IDENTIFYING THE DOCUMENT.
 11:48AM 25

THE COURT: BUT IF YOU TYPE IT INTO YOUR OWN LITTLE

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11:48AM 1 SPREADSHEET AND THE MATERIAL IS IDENTICAL, IT'S KIND OF LIKE
 11:48AM 2 THIS -- TO ME IT'S THE SAME THING, EVEN IF YOU DIDN'T PRINT OUT
 11:49AM 3 A COPY OF THAT PAGE FROM THE PRODUCTION, IT STILL ENDS UP
 11:49AM 4 DISCLOSING THE MATERIAL.
 11:49AM 5 AND SO I DON'T -- IT'S -- I THINK -- I JUST FEEL LIKE THIS
 11:49AM 6 IS A POINT WHERE THE RECORD IS SO CLEAR THAT -- I MEAN, YOU
 11:49AM 7 MIGHT HAVE ARGUMENTS AS TO WHAT THE HARM ACTUALLY IS, BUT I
 11:49AM 8 THINK IT'S REALLY DIFFICULT FOR ME TO GET AROUND THAT.
 11:49AM 9 MR. STANLEY: WELL, I GUESS THE LAST THING I'LL SAY
 11:49AM 10 ON THIS BECAUSE I'M HEARING YOU, JUDGE, I'M HEARING YOU, BUT
 11:49AM 11 THE PROTECTIVE ORDER MUST COMPLY WITH THE COMMON SENSE READING
 11:49AM 12 AND MUST CONNECT ITS PURPOSE WITH THE PROHIBITIONS. AND IS THE
 11:49AM 13 PURPOSE OF THE PROTECTIVE ORDER TO PREVENT AN ATTORNEY WITH
 11:49AM 14 EXTENSIVE INFORMATION AND KNOWLEDGE FROM PURSUING ANY
 11:49AM 15 LITIGATION AGAINST UBER IN THE FUTURE?
 11:50AM 16 AND THAT'S, THAT'S PRETTY MUCH WHAT IS GOING TO BE DONE
 11:50AM 17 WITH THIS ORDER IS IT'S GOING TO PREVENT ME FROM ASKING FOR
 11:50AM 18 DOCUMENTS IN ANY WAY OTHER THAN SOME VERY GENERALIZED REQUEST
 11:50AM 19 THAT WE KNOW BOTH INSIDE THE MDL AND OUTSIDE OF THE MDL UBER
 11:50AM 20 WILL NOT RESPOND TO WITH A SUBSTANTIVE RESPONSE.
 11:50AM 21 AND SO WE DO NEED TO GO FORWARD THEN. AND THEN HOW ARE WE
 11:50AM 22 TO PRACTICE LAW AFTER THIS MDL OR OUTSIDE OF THIS MDL IF WE
 11:50AM 23 CANNOT REQUEST DOCUMENTS IN A WAY THAT WILL RESULT IN THEM
 11:50AM 24 BEING PRODUCED? BECAUSE IT TOOK US A YEAR INSIDE OF THIS MDL,
 11:50AM 25 MONTH AFTER MONTH AFTER MONTH AFTER MONTH, AT LEAST SIX TIMES

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11:50AM 1 FOR US TO GET THESE DOCUMENTS PRODUCED, AND THAT WAS A GREAT
 11:50AM 2 BENEFIT TO HAVE YOUR TIME AND YOUR ABILITY TO BE WITH US AND TO
 11:50AM 3 SEE THIS DOCUMENT PRODUCTION. AND WE DON'T GET THAT BENEFIT IN
 11:51AM 4 INDIVIDUAL STATE COURT CASES WHERE WE GET TO COME UP EVERY
 11:51AM 5 MONTH AND ARGUE. THAT'S SOMETHING THAT IS PARTICULAR TO MDL'S
 11:51AM 6 AND THE DISCOVERY PROCESS HERE.
 11:51AM 7 SO THIS WILL DEFINITELY PREVENT THE PRACTICE OF LAW AND
 11:51AM 8 MAKE IT ALMOST IMPOSSIBLE TO GET DOCUMENTS IN A TIMEFRAME WHERE
 11:51AM 9 WE CAN GET THESE CASES, GET THE DISCOVERY FROM THE CASES, AND
 11:51AM 10 LITIGATE THEM IN A WAY THAT IS APPROPRIATE FOR OUR CLIENTS.
 11:51AM 11 THE COURT: I GUESS A COUPLE OF THOUGHTS. I DON'T
 11:51AM 12 THINK THAT THE PROTECTIVE ORDER OR MY RULING ON THE PENDING
 11:51AM 13 MOTION WILL PRECLUDE ATTORNEYS FROM PRACTICING LAW OR FILING
 11:52AM 14 FUTURE LAWSUITS OR LITIGATING AGAINST UBER IN GENERAL.
 11:52AM 15 I THINK THAT IT WOULD -- I HEAR WHAT YOU'RE SAYING,
 11:52AM 16 MR. STANLEY, IN EFFECT IT WOULD -- GIVEN THE DIRECTION THAT I'M
 11:52AM 17 INCLINED TO GO, IT WOULD DEPRIVE PLAINTIFFS' COUNSEL OF A
 11:52AM 18 CERTAIN ADVANTAGE IN DISCOVERY IN OTHER CASES, BUT THE FACT OF
 11:52AM 19 THE MATTER IS THAT THERE WAS A PROTECTIVE ORDER THAT WAS
 11:52AM 20 STIPULATED TO. WE'VE GOT ESI PROTOCOLS. WE HAVE ALL OF THE
 11:52AM 21 PROCEDURES THAT WERE ASSOCIATED WITH THE PROTECTIVE ORDER,
 11:52AM 22 INCLUDING AN OPPORTUNITY, A PROCESS BY WHICH TO CHALLENGE THE
 11:52AM 23 DESIGNATION OF A DOCUMENT AS CONFIDENTIAL.
 11:52AM 24 AND SO -- AND THERE'S WAYS TO LITIGATE THAT ISSUE TO SAY
 11:53AM 25 THAT A DESIGNATING PARTY IS BEING OVERBROAD AND DESIGNATED

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11:53AM 1 THINGS THAT ARE CONFIDENTIAL THAT WOULDN'T IT REVEAL TO THE
 11:53AM 2 PUBLIC HARM, A COMPETITIVE ADVANTAGE FOR THE COMPANY IN THE
 11:53AM 3 MARKET?
 11:53AM 4 BUT THAT WAS NEVER BROUGHT TO THE FLOOR, AND THAT IS
 11:53AM 5 SOMETHING THAT EXISTS IN THE PROCESSES THAT ARE PART OF THIS
 11:53AM 6 MDL AND COULD BE NEGOTIATED.
 11:53AM 7 SO ANYWAY, I JUST THINK THAT THAT'S ONE WAY TO ADDRESS THE
 11:53AM 8 CONCERN THAT I THINK YOU'RE VOICING, WHICH IS THAT THE
 11:53AM 9 POSSIBILITY THAT A PROTECTIVE ORDER IS MISUSED OR USED IN A WAY
 11:53AM 10 THAT IS NOT INTENDED FOR THE PRINCIPLES THAT UNDERLIE
 11:53AM 11 PROTECTIVE ORDERS BEING ADOPTED IN LITIGATION.
 11:54AM 12 AND I THINK THE OTHER, YOU KNOW, POSSIBILITY IS SIMPLY
 11:54AM 13 THAT ON THE FRONT END YOU TELL UBER THAT YOU WOULD LIKE
 11:54AM 14 PERMISSION TO MAKE A DISCLOSURE, AND THEY CAN OBJECT OR NOT
 11:54AM 15 OBJECT, AND MAYBE THERE'S SOME INTEREST ON THE PART OF UBER TO
 11:54AM 16 NOT OBJECTING TO THE EXTENT IT SPEEDS UP AND MAKES MORE
 11:54AM 17 EFFICIENT DISCOVERY PROCESS OVERALL AND SO YOU DON'T END UP
 11:54AM 18 USING LOTS OF ATTORNEY TIME TO FIGURE OUT WHAT IS WHAT AND WHAT
 11:54AM 19 SHOULD BE -- WHAT THE RELEVANT POLICIES ARE AND SO FORTH.
 11:54AM 20 BUT IT WOULD BE SOMETHING THAT YOU GO TO UBER AT THE FRONT
 11:54AM 21 END AND ASK ABOUT PERMISSION TO DISCLOSE.
 11:54AM 22 SO I THINK THERE'S WAYS TO DEAL WITH THESE CONCERN THAT
 11:54AM 23 YOU'RE RAISING, AND I HAVE A VERY LIMITED QUESTION THAT'S IN
 11:54AM 24 FRONT OF ME WITH THIS PROTECTIVE ORDER.
 11:55AM 25 MR. STANLEY: UNDERSTOOD, JUDGE. AND ASKING FOR

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11:55AM 1 PERMISSION TO REQUEST THESE DOCUMENTS VERBALLY ALWAYS END IN A
 11:55AM 2 NO, SO THAT'S PROBABLY GOING TO RESULT IN US COMING BACK TO YOU
 11:55AM 3 OVER AND OVER IN SPECIFIC CASES OR AT LEAST IN SOME WAY TO
 11:55AM 4 UNDERSTAND HOW WE CAN IDENTIFY DOCUMENTS TO ASSIST IN
 11:55AM 5 PRODUCTION FROM THIS LITIGATION.

11:55AM 6 AND SO I'M ALSO WORRIED THAT IN THE NEXT TEN CASES THAT I
 11:55AM 7 FILE AGAINST UBER, THAT FOR VARIOUS REASONS OF HARM TO
 11:55AM 8 INDIVIDUALS, THAT I'M GOING TO NEED TO JAM YOUR DOCKET UP, COME
 11:55AM 9 BACK AND REQUEST USE FROM THIS WHEN UBER DOES NOT PERMIT ME TO
 11:55AM 10 REQUEST DOCUMENTS IN THIS MANNER. SO THAT'S ALSO A CONCERN
 11:55AM 11 THAT I HAVE, AND ESPECIALLY WHEN IDENTIFYING THE DOCUMENTS WAS
 11:55AM 12 HELPFUL TO THE PROCESS INSIDE OF THE MDL, DOCUMENTS THAT I HAD
 11:56AM 13 KNOWLEDGE OF BEFORE THE MDL WHEN I DID IT THE SAME WAY THAT
 11:56AM 14 THIS IS GOING TO BE SOMETHING THAT IS GOING TO BE RECURRING.
 11:56AM 15 AND SO WHEN WE HAVE TO GO FORWARD ON WHAT WE SHOULD DO, THAT'S
 11:56AM 16 SOMETHING THAT I JUST WANT YOU TO BE AWARE OF.

11:56AM 17 THE COURT: I MEAN, MAYBE YOU SHOULD BE ADJUSTING
 11:56AM 18 YOUR EXPECTATIONS ABOUT WHAT YOU CAN DO WITH INFORMATION THAT
 11:56AM 19 YOU HAVE LEARNED IN THE MDL.

11:56AM 20 THE FACT OF THE MATTER IS THAT THIS DISCOVERY PROCESS
 11:56AM 21 INVOLVED UBER DISCLOSING AN IMMENSE AMOUNT OF INFORMATION IN
 11:56AM 22 RESPONSE TO PLAINTIFFS' FAR REACHING DISCOVERY REQUESTS AND A
 11:56AM 23 LOT OF INFORMATION THAT WAS CONFIDENTIAL OR PROPRIETARY OR
 11:56AM 24 SENSITIVE TO THE COMPANY HAD COME INTO PLAY AS PART OF THE
 11:56AM 25 DISCOVERY PROCESS, AND THE PURPOSE OF THE PROTECTIVE ORDER WAS

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11:59AM 1 RESOURCES. AND THAT WAS NOT -- UBER DIDN'T ARGUE THAT THAT WAS
 11:59AM 2 CONFIDENTIAL INFORMATION. SO ON THE OTHER HAND, YOUR LATER
 11:59AM 3 SPREADSHEET FROM OCTOBER OF 2024 HAD 860 POLICIES OR POLICY
 11:59AM 4 SOURCES. SO THERE'S A DELTA THERE, AND THAT SEEMS TO BE WHAT
 11:59AM 5 IS OF CONCERN TO UBER IN THIS MOTION.

11:59AM 6 BUT I GOT CONFUSED BY SOME OF THE NUMBERS AND ALSO THE --
 11:59AM 7 WHETHER OR NOT THERE IS A -- I DON'T THINK THAT THERE IS A
 12:00PM 8 SUFFICIENTLY TAILORED AND CLEAR DEFINITION OF CONFIDENTIAL
 12:00PM 9 INFORMATION SO THAT OTHER ATTORNEYS CAN SORT OF BE AWARE OF
 12:00PM 10 WHAT CAN BE DISCLOSED GOING FORWARD.

12:00PM 11 SO I WAS INCLINED TO SEND YOU ALL TO MEET AND CONFER AND
 12:00PM 12 DEAL WITH THE PROPOSED ORDER, AND SUBMIT A REVISED PROPOSED
 12:00PM 13 ORDER THAT IS CLEARER.

12:00PM 14 MR. COX: YOUR HONOR, IF I COULD ADDRESS THAT, I'M
 12:00PM 15 HAPPY TO MEET AND CONFER IF THAT'S WHAT YOU WOULD LIKE US TO
 12:00PM 16 DO.

12:00PM 17 BUT THE CONFIDENTIAL INFORMATION IS DEFINED IN THE BRIEF
 12:00PM 18 IN SUPPORT OF OUR MOTION, AND IT IS THE 587 ROWS ON
 12:00PM 19 MR. STANLEY'S OCTOBER 2024 SPREADSHEET THAT ARE IDENTIFIABLE
 12:00PM 20 WITH MDL BATES NUMBERS.

12:01PM 21 SO THAT'S HOW WE'RE DEFINING CONFIDENTIAL INFORMATION AS
 12:01PM 22 USED IN THE PROPOSED ORDER, BUT I ACTUALLY -- IN DISCUSSIONS IN
 12:01PM 23 PREPARING FOR THIS HEARING, I WANTED TO CLARIFY MY OWN
 12:01PM 24 UNDERSTANDING OF THAT, SO I APPRECIATE YOUR HONOR ASKING THE
 12:01PM 25 QUESTION. AND IF YOU WOULD LIKE US TO MEET AND CONFER AND

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11:57AM 1 TO GIVE THEM SOME CONFIDENCE AND ASSURANCE THAT THIS
 11:57AM 2 INFORMATION WOULD NOT GET RELEASED FOR PURPOSES OTHER THAN --
 11:57AM 3 OR USED FOR PURPOSES OTHER THAN ADVANCING THIS MDL.
 11:57AM 4 DISCOVERY IN THIS MDL IS FOR THIS MDL, AND TO THE EXTENT
 11:57AM 5 THAT IT CROSSES OVER IN WAYS THAT THE COURT HAS SANCTIONED FOR
 11:57AM 6 THE JCCP, THERE'S THAT, BUT THERE IS A LARGER UNIVERSE OF
 11:57AM 7 LITIGATION AGAINST UBER I'M SURE FOR ALL DIFFERENT TYPES OF
 11:57AM 8 CASES, BUT THAT IS NOT WHAT THE PURPOSE OF THE PROTECTIVE ORDER
 11:57AM 9 HERE WAS. IT WAS TO DEAL WITH DISCOVERY IN THIS CASE AND TO
 11:57AM 10 SIMPLIFY THE PROCESS AND GIVE ASSURANCES TO PARTIES INVOLVED
 11:57AM 11 THAT THEIR INFORMATION, THEIR CONFIDENTIAL INFORMATION OR
 11:58AM 12 HIGHLY CONFIDENTIAL INFORMATION WOULD BE USED FOR OTHER
 11:58AM 13 PURPOSES.

11:58AM 14 ATTORNEYS BECOME EXPERTS IN INDUSTRIES AND ON CERTAIN
 11:58AM 15 COMPANIES AND THERE'S A GENERAL KNOWLEDGE THAT DEVELOPS, BUT
 11:58AM 16 WHEN YOU SEE A REPRODUCTION LIKE WHAT MS. GROMADA LAID OUT, IT
 11:58AM 17 SEEMS PRETTY STRAIGHTFORWARD THAT A DISCLOSURE OCCURRED.
 11:58AM 18 SO THAT -- LET'S MOVE ON TO THE -- WHERE DO WE GO FROM
 11:58AM 19 HERE AND WHAT IS THE ORDER?

11:58AM 20 IT DOESN'T SEEM -- TO ME IT SEEMS PRETTY STRAIGHTFORWARD
 11:58AM 21 AS FAR AS WHAT UBER IS ASKING AS FAR AS YOU IDENTIFYING TO WHOM
 11:58AM 22 YOU HAVE GIVEN THIS INFORMATION. I THINK ONE ASPECT THAT I WAS
 11:58AM 23 A LITTLE UNCLEAR ABOUT, THOUGH, WAS WHAT EXACTLY IS THE
 11:58AM 24 DEFINITION OF A CONFIDENTIAL AND THEN THERE'S -- YOU HAD
 11:59AM 25 ANOTHER SPREADSHEET THAT CONTAINED 326 POLICY RELATED

UNITED STATES COURT REPORTERS

12:01PM 1 SUBMIT A PROPOSED ORDER OR JUST SUBMIT A PROPOSED ORDER, A
 12:01PM 2 REVISED PROPOSED ORDER, WE'RE HAPPY TO DO THAT.

12:01PM 3 I'M SORRY, I DON'T THINK WE CAN HEAR YOU AGAIN. I'M
 12:01PM 4 SORRY.

12:01PM 5 THE COURT: AND THAT SEEMS OFF BECAUSE THE
 12:01PM 6 SPREADSHEET HAD 860 AND THEN THAT WAS THE OCTOBER SPREADSHEET
 12:01PM 7 HAD 860. THE MAY SPREADSHEET HAD 326. SO IF YOU SUBTRACT,
 12:02PM 8 THEN THAT IS, THAT IS 534 POLICIES.

12:02PM 9 BUT THE BRIEFING REFERS TO 586. SO IT'S NOT CLEAR WHAT
 12:02PM 10 THAT'S REFERRING TO.

12:02PM 11 MR. COX: SO ONE OF THE REASONS I WENT INTO LAW IS
 12:02PM 12 BECAUSE OF MY MATH SKILLS. SO LET US CONFER ON THAT AND MAKE
 12:02PM 13 SURE THAT WE HAVE THE NUMBERS CORRECT, BUT WE ARE, AS
 12:02PM 14 YOUR HONOR OBSERVED IN CONNECTION WITH LOOKING AT MS. GROMADA'S
 12:02PM 15 DECLARATION AND THE DOCUMENT, YOU KNOW, SOME OF THE UNDERLYING
 12:02PM 16 MATERIALS THAT WERE PRODUCED IN THE MDL AS COMPARED TO THE
 12:02PM 17 SPREADSHEET, WE ARE -- THE ASSERTION IS THAT IT'S, IT'S -- THE
 12:03PM 18 BATES NUMBERED MATERIALS THAT ARE REFERENCED. SO WE CAN DEFINE
 12:03PM 19 THAT MORE CLEARLY FOR YOUR HONOR.

12:03PM 20 THE COURT: OKAY. LET'S DO THIS. I'M DIRECTING THE
 12:03PM 21 PARTIES TO FILE EITHER A JOINT PROPOSED -- A REVISED JOINT
 12:03PM 22 PROPOSED ORDER WITHIN THREE DAYS OR IF YOU DON'T HAVE AN
 12:03PM 23 AGREEMENT AS TO WHAT THAT PROPOSED ORDER SHOULD LOOK LIKE, FILE
 12:03PM 24 YOUR SEPARATE PROPOSED ORDERS. AND PLAINTIFFS, BY FILING THE
 12:03PM 25 PROPOSED ORDERS WITHIN THREE DAYS, YOU'RE NOT WAIVING YOUR

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12:03PM 1 OBJECTIONS TO MY RULING FROM THE BENCH TODAY THAT THERE WAS A
12:03PM 2 VIOLATION OF THE PROTECTIVE ORDER IN THIS CASE AND BASED ON THE
12:03PM 3 RECORD THAT I'VE REVIEWED AND FOR THE REASONS THAT I'VE
12:03PM 4 EXPLAINED TODAY.
12:03PM 5 AND IT'S NOT WAIVING YOUR RIGHT TO APPEAL THAT ORDER IF
12:04PM 6 YOU DISAGREE AND WISH TO APPEAL IT TO JUDGE BREYER.
12:04PM 7 MR. STANLEY: UNDERSTOOD.
12:04PM 8 THE COURT: OKAY. ALL RIGHT.
12:04PM 9 SO I DON'T THINK THERE'S ANYTHING FURTHER THAT WE NEED TO
12:04PM 10 DO TODAY.
12:04PM 11 MS. GROMADA: THANK YOU, YOUR HONOR.
12:04PM 12 MR. COHN: THANK YOU, YOUR HONOR.
12:04PM 13 MR. STANLEY: THANK YOU.
12:04PM 14 MR. COX: THANK YOU.
12:04PM 15 THE CLERK: COURT IS NOW ADJOURNED.
12:04PM 16 (COURT CONCLUDED AT 12:04 P.M.)
17
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